

Ex-chairman of listed company gets three years for \$1m bribery over acquisition

25 September 2015

A former chairman of a listed company, charged by the ICAC, was today (Friday) sentenced to three years' imprisonment at the District Court after being convicted of accepting a bribe of \$1 million for procuring the listed company to acquire an investment company at a consideration of \$380 million.

Chen Jiasong, 60, former chairman of ABC Communications (Holdings) Limited (ABC), was today found guilty of one count of agent accepting an advantage, contrary to Section 9(1)(a) of the Prevention of Bribery Ordinance.

Judge Fred Sham Siu-man also ordered the defendant to pay a restitution of \$1 million to ABC, and be disqualified from being a company director for five years.

The court heard that at the material time, the defendant was the deputy chairman of ABC, a listed company providing financial services, wireless application development and mining operations, while Chen Xirong was the owner of Gold Vast Holdings Limited (Gold Vast).

On October 5, 2009, the defendant recommended the board of directors of ABC to acquire all shares of Gold Vast from Chen Xirong.

After obtaining approval from ABC's board of directors, the defendant represented Global Force Holding Limited (Global Force), a wholly owned subsidiary of ABC, to sign a framework agreement for the acquisition of Gold Vast at a consideration not exceeding \$1,300 million.

On October 12, 2009, the defendant, on behalf of ABC and Global Force, signed an agreement with Chen Xirong for the acquisition of Gold Vast at a consideration of \$380 million, the court was told.

On October 28, 2009, the defendant and Chen Xirong entered Hong Kong from Shenzhen by a vehicle driven by the defendant's chauffeur. Afterwards, Chen Xirong visited the Sheung Wan branch of a bank and withdrew \$1 million cash from his bank account.

In the same afternoon, the defendant's chauffeur deposited the \$1 million cash into the defendant's bank account at the Shun Tak Centre branch of the same bank.

On the same day, the defendant and Chen Xirong left Hong Kong for Shenzhen by the same vehicle driven by the defendant's chauffeur, the court heard.

On January 10, 2011, the acquisition of Gold Vast was terminated.

The management of ABC had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by prosecuting counsel Newman Wong, assisted by ICAC officers Matthew Chang and Eric Ho.

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上市公司前主席就收購項目收賄百萬元罪成判囚三年

2015年9月25日

一名上市公司前主席收受一百萬元賄款，誘使該上市公司以三億八千萬元收購一間投資公司，被廉政公署拘控。被告今日（星期五）在區域法院被裁定罪名成立，判囚三年。

陳家松，六十歲，佳訊(控股)有限公司(佳訊)前主席，今日被裁定一項代理人接受利益罪名成立，違反《防止賄賂條例》第9(1)(a)條。

法官沈小民又命令被告須向佳訊歸還一百萬元作為賠償，及禁止擔任公司董事五年。

案情透露，被告於案發時為佳訊副主席，佳訊的業務包括提供財經服務、無線應用發展服務，以及採礦業務；而陳錫榮則為金廣控股有限公司(金廣)的擁有人。

被告於二〇〇九年十月五日建議佳訊董事會向陳錫榮收購金廣的全部股份。

被告獲得佳訊董事會批准後，代表佳訊的全資子公司Global Force Holdings Limited (Global Force)簽訂框架協議，以不多於十三億元收購金廣。

被告於二〇〇九年十月十二日代表佳訊及Global Force與陳錫榮簽訂買賣金廣的收購協議，作價三億八千萬元。

被告及陳錫榮於二〇〇九年十月二十八日乘坐由被告的司機駕駛的私家車從深圳抵港。其後，陳錫榮到一間銀行位於上環的分行，並從其銀行賬戶提取一百萬元現金。

同日下午，被告的司機在該銀行位於信德中心的分行，把該一百萬元現金存入被告的銀行賬戶。

案情透露，被告及陳錫榮於同日乘坐由被告的司機駕駛的同一私家車前往深圳。

二〇一一年一月十日，佳訊終止收購金廣。

佳訊的管理層在廉署調查案件期間提供全面協助。

控方今日由大律師王興偉代表出庭，並由廉署人員鄭礎明及何子威協助。

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